

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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KW PLASTICS RECYCLING DIVISION,)
)
Plaintiff,)
)
v.)
)
DINORAH'S SPORTSWEAR AND)
SCREEN PRINTING, INC.,)
a/k/a DSW WHOLESALE, INC.,)
)
Defendant.)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO: CV-2:08-CV-50-

COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff KW Plastics Recycling Division, is an Alabama company with its principal place of business in Pike County, Alabama.
2. Defendant Dinorah's d/b/a DSW Wholesale, Inc., is a company incorporated in Florida and doing business in Alabama.

COUNT 1

3. Plaintiff adopts and realleges paragraphs 1 through 2 above as if fully set forth herein.
4. The Plaintiff is in the business of selling various types of plastic.
5. In August 2007, on three separate occasions the Defendant contacted the Plaintiff to purchase a particular type of plastic, namely Natural Homopolymer HDPE.
6. The Plaintiff made three separate deliveries in response to the three separate purchase orders by the Defendant in the month of August, 2007 and beginning of September 2007.

7. The first delivery by the Plaintiff was made on or about August 22, 2007 to the Defendant and contained a net weight of 42,560 lbs of plastic worth \$27,025.60.
8. The second delivery by the Plaintiff was made on or about August 24, 2007 to the Defendant and contained a net weight of 44,178 lbs of plastic worth \$28,053.03.
9. The third delivery by the Plaintiff was made September 4, 2007 to the Defendant and contained a net weight of 42,422 lbs of plastic worth \$26,937.97.
10. The Plaintiff has been presented with several invoices and has been contacted several times regarding this matter and, as of the filing of this complaint, has refused to make any payments for the goods delivered.
11. As a proximate cause to the Defendant's refusal to pay, the Plaintiff has been caused to suffer loss of revenue and has had to employ legal services in order to attempt to collect the monies owed.

WHEREFORE, Plaintiff demands judgment against the Defendant in the sum of \$82,016.60 plus interest to compensate Plaintiff for its loss of revenue. Plaintiff further demands judgment against the Defendant in an amount determined by the trier of fact to compensate the Plaintiff for its legal expenses, interest and costs.



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DUPLICATE

Court Name: U S DISTRICT COURT - AL/M

Division: 2

Receipt Number: 4602003439

Cashier ID: brobinso

Transaction Date: 01/18/2008

Payer Name: CERVERA RALPH AND REEVES LLC

CIVIL FILING FEE

For: CERVERA RALPH AND REEVES LLC

Case/Party: D-ALM-2-08-CV-000050-001

Amount: \$350.00

CHECK

Check/Money Order Num: 25088

Amt Tendered: \$350.00

Total Due: \$350.00

Total Tendered: \$350.00

Change Amt: \$0.00

KW PLASTICS V. DINORAH SPORTSWEAR
ETC